(General Serial No. 32.)

1894.

No. 596

Name of Petitioner. Nagappa + Ramanatha
alias Venkataramiah, advocate

Village.

Taluk. Bangalore

District.

Date of Arzi. 20-8-94

Date of Receipt. 20-8-94

Date of Disposal.

No. of Enclosures. two

C.R. 124-94-1

ABSTRACT.

Appeal against the decision of the Deputy Commissioner of Chitaldroog district in Revenue S. No 4 of 1893-94.

Subject to Council

Stamp Sufficient

Petr Says that when appeared in the Dc office the Copy of the judgment was told that it had been sent to the Taluq, that he went to the Taluq and obtained the Copy on the 16th Petr does not Say when appeared in the Dc office the Copy. He applied for the Copy on the 16th August. Nor there Anything to show that Copy was delivered through

Taluq

20/8/94

Call for add
opp from Dc
all
20/8/94

Judgment in case called for
Copy ordered on 2-8-94
Copy ready on 3-8-94
Copy delivered on 9-8-94
Petn admitted on 16-8-94

Council

Dy Commr reports that the copy of the order was ready on 3rd August 94 as the Petr did not present himself to take it till 10 August, that it was sent to the Taluk on the 10 August and that Petr took delivery of it at the Taluq on the 16th August. Appeal thus seems to be out of time

P.F. 95894

G. R. S. IX-5]

Previous references. 1894-95

192

(L.R)

File No. 124 of 94

Serial Nos. 1-7

Later references.

Cancelled 792-25

LR Dep no 1951-37

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7

Major ~~Part~~ B for June 1895

SUBJECT.

Appeal of Nagendra N. Khandekar Hiriyur Tq regarding Patel

Case transmitted.
MK.

WD 2223—GPB—20,000—14-6-20

Indexed
SB.

(General Serial No. 30.

1894.

From The Dy Commissioner Chitaldroog District (3)

To Government

The Chief Secretary to the ~~Dewan~~ of Mysore.

Dated 9th November

Despatched

Received

Enclosures No. 5

General No. 344

No. 301

Reporting the date on which Nagappa and Hanmantappa of the Khandenahalli village, Hosinjur Talook appeared in the Talook Cutcherri to receive the copy of the judgment applied for.

Submitted to Council.

Order appealed against is dated 14 May 1894

Copy was applied for on 1st August

Copy was ready for delivery on 3d August

Appeal was presented on 20 August.

Deducting two days required the preparation of the Copy, the appeal ought to have been presented 14 August, whereas it was presented on 20 August.

Pet alleged that he appeared before the District, where he was told that the Copy he had applied for had been sent to the Talook, where he received it and that Consequently there was delay in filing the appeal.

Dy Comm reports that Pet applied for the Copy on 1st August, it was read on the 3d August that they waited for the Pet till 10 August and as he did not turn up, the Copy was sent to the Talook on that date and that the Copy was delivered to Pet there on 16 August.

Submitted for orders as to whether the appeal may be admitted, but

28/ 14/11

From

The Dy Commissioner
Chitaldroog District

To

The Chief Secretary
to the Government
of Mysore

Dated 9th
Despatched } November
Received

No. 344/301 Enc. 5

His docket No. 6883
Pet-588

dated the 24th ultimo ~
forwarding appeal Petition
No.× 596 dated 20th August-
1894 from Nagappa and
Hammantappa and
enquiring on what date
the petitioners appeared
in the District office to ~
take the copy of Judgment
which they had applied
for, and whether the copy
was as alleged in the
petition delivered to them
through

× herewith resubmitted

(2)

To

The Deputy Commissioner
Chittagong District

6883 / Pet: 588 / By 22-10-94 / 3/11 / Encl 4.

L. R. 124-96-2

With reference
Forwarding for disposal
Appeal
and Sanctioning, petition
No 576 dated 20-8-94 from Rajaffa
and Hanumantaffa, here
the appellants praying
that the Deputy Commissioner
will be good enough to reject
or admit the Petitioners
appeal in the District office
to take the
for the copy of the judgment
filed and allowed
appealed against; and direct
that copy as alleged in the
was,
petition, delivered to them
through the Land Customs

By Order

Draft
(Council order)

31/10
Chief Secretary.

26/10
31

31/10

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

1

Pet 732 ✓ 21/11/94

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT. (4)

OFFICIAL MEMORANDUM.

The accompanying Petition No. 596
dated 20th August 96 received at the
Dewan's Office from Mayappa and Hanumanthappa of Khandinahalli, Nidugur Taluk,
appealing against the order of the
Dy. Com^r, regarding the Patels of
the said village.
is forwarded, together with its three
enclosures, to the Deputy Commissioner
Chitaldroog District, for submission
of the entire proceedings relating to
the case.
The Petition and its enclosures should
be returned.

L.R. 124-94-4

By Order,

Only formal order 15/11

BANGALORE,
14-11-1894.
21.

Chief Secretary.

15/11

15/11

M.G.C.P., Bangalore.—3-5-94.—1,000.

through the Alaska Customs.

With reference to the above, I have the honour to submit the accompanying correspondence having with Henry Wilson's report No. 150 dated the 20th August last from which it will be seen that Ragaile alias Nagegonda, executed an application to this office for a copy of the judgment and decree in the said case on the 1st August 894, that the copy was ready on the 3rd idem and was retained in this office until the 9th of that month in expectation of the applicant turning up, that as he failed to appear and take delivery, the copy was sent to the Resident with this office order No. 22 dated the 9th August 1894, and that it was delivered to the said party on the 15th idem.

The undersigned begs to add that no further information

information is available
in this office.

6.

A. Allen Wiseman
Deputy Commissioner
Chickasaw District

bellot

(General Serial No. 80.) 7155.

1894. 24:323

From The Civil Judge (Commissioner) Chitaldroog District

(5)

To Government

The Chief Secretary to the ~~Govt~~ of Mysore.

Dated 31st November 1894

Despatched

Received

Enclosures No. 5 with 2 files

General No. 404 of records sent herewith

No. 356

With reference to his ~~Govt~~ Memorandum No. 732 dated 12th ult. I have the honor to submit herewith original and appeal records relating to the Petition of Chandina-halli, Hiriyur Taluk. The petition with its enclosures, received with the above, is herewith returned.

I have &c.

Commissioner

Civil Judge

Chitaldroog District

Copy

Brief of oral pleading taken in the Record of Appeal in Suit No. 1 of 1892 (Civil) pending in the Court of the Civil Judge of Chitaldroog

Dft 5/12

L.R. 12th 94 - 5

L. 6/12

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1 File of original record with one copy of same

1 File of appeal record

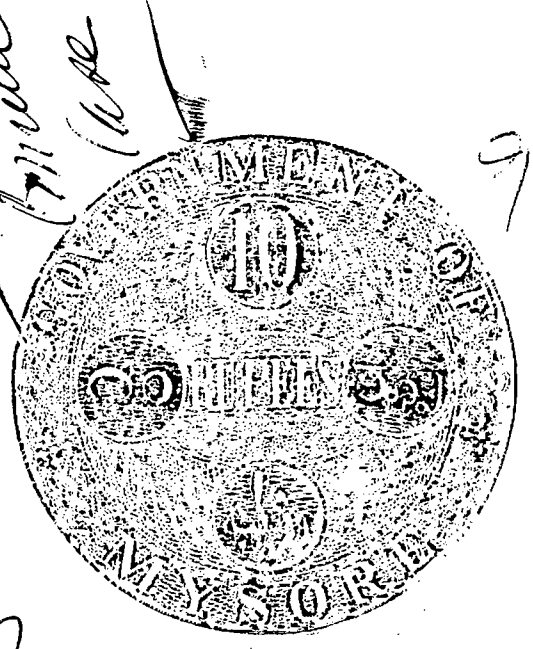
1 Petition with its enclosures

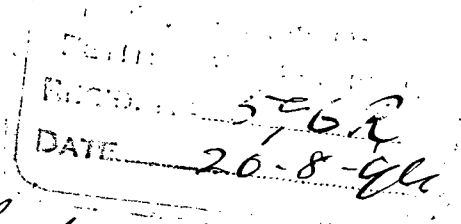
Peons to ~~Hiriur~~ Hiriur

Vakil Mr. D. Venkatasubbiah for appellant

Mr. Narayana Rao (Respt)

12/12/12





R. A. No. 62 of 1894-95

The Government of Mysore

Bangalore

Revenue Appeal No. of 1894-95

Appellants (Defts) — Respts (Plff)

1. Nagappa — Hanjaray gowda

2. Hanmanthappa

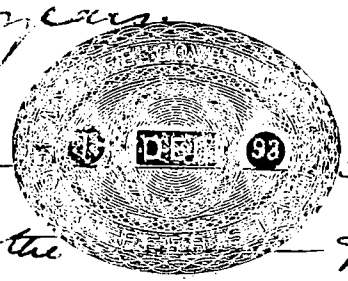
The appellants above named, re
respectfully beg to appeal against the decr
of the Dy. Com.r of (Intd. Dstrct
in Rev: A.S.R.C. 4 of 1893-94 on the following
grounds.

1. That the Lower Appellate Court
erred in holding that the Plff's suit was
not barred by limitation.

2. That the Plff is in no way related
to the original Hukdar Esay gowda.

3. That Esay gowda himself has giv
a statement to the effect that he has no
land or other relations.

4. That the appellants and their pre
decessors in title have been in exclusiv
possession and enjoyment of the Huk for up
wards of 3 or 4 hundred years.



For these reasons the — appe
pray that the decision of the — Dy
Com

12.

1-8-94.

926

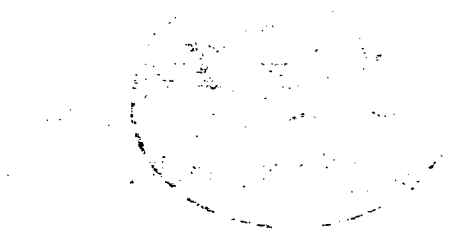
1893

31/7/94.

122

1344
130

24 AUG. 94



2 Court may be set aside, and that the Plff's Suit be dismissed.

D'Vm McSwiney Esq^r
Adv: for Appts.

Note:—

The Copy of the judgment of the Lower Appellate Court was despatched to the Talook for delivery. When the Appellants went to the District Office, they were told that the Copy had been despatched to the Talook. The Appts had then to go back to the Talook for the Copy. They got the Copy on the 16th Instant. They arrived here on the 18th Instt. They beg to file the appeal this day. They were not told that the Copy was ready on the 3d Instant. They did not know that it was ready on the 3d Instant till it was pointed out by their Vakeel here. The Appts pray that the delay in filing the appeal for the foregoing reasons may be excused.

Bangalore
20th Augt 1894

D'Vm McSwiney Esq^r
Adv: for Appts

made in the Magistrate's Court of 1869

4. Regarding the merits of the case Govt are of opinion that the Deputy Commissioner has appreciated the evidence correctly. The Appellants endeavour to explain who Chief Obeyesekera whose name appears in more than one Kandyan Register is. This fact is explained consistently by the witnesses examined by the Appellants & by the Respondent, & stated by the Deputy Commissioner, there is preponderance of evidence in favour of the Respondent that the Appellant is a son of Chief Obeyesekera who is said to be a brother of Veeresekera the last Adigar. Officiator of his line of heirs. The Appellant is thus entitled to a declaration that he is a lineal descendant of Veeresekera Adigar. The decree of the District Court which declares to this effect is confirmed and this appeal dismissed

Written Statement

Abdul Rahiman
29/5/95.

Submit to
Mr. Rahim Sahibji
KB

26.5.95

P.T.O.

~~No 1746~~ No $\frac{22190}{\text{Rly}\ 95/94}$ dy $\frac{29-5-95}{676.}$

Copy forwarded to the Dy Commr Chitaldroog District returning the Rs records received with his docket. No: $\frac{404}{356}$ dated 30th Nov: 1894.

By order..

30/5/95

Under Secretary

abstracted
JCR
7/6

Appellant
1. Dasappa
2. Hanmanthappa
by Mr. Venkatramudu

Petition No. 516 of 62
3f

Respondent
Hanyarappa

14

(6)

The Deputy Commissioner is correct and must be confirmed. The adjustment made at the time of Bogi settlement was not absolute, as is evident from Exhibit A.J. in that document there is a direction that the Amildar should make a further enquiry and submit a report. Apparently thereupon the arrangement then made was provisional and does not operate after the 30 adversely. This view is confirmed by the insertion of the name of Chikka Obagowda in the Taluk Register of 1869-70, (Exhibit 5E?) - No enquiry seems to have been made and no report submitted. The 30 was then admittedly a minor and the present enquiry should be regarded as being prohibited by the direction contained in the Bogi Register.

3. This suit cannot be regarded as having arisen from any cause of action afforded by the Bogi. The Registers recording the titles of Gabs were continued

till 1869 and according to the entries
therein made. Chuha Alijonda
is one of the hingdars. The Pffs
claim to succeed to the position
cannot be regarded as adverse
to the 2nd & 3rd Pffs who have been
title to another co-ordinate hingdari
Sotiacyonda. As already observed
the settlement made at the time
of Sorgi ~~Cyet~~ directed more enquiry
to be made, and although much time
has elapsed since that direction was
made, yet the Pffs cannot be seen to have been prejudiced thereby
In the new petition by the Pffs Court
the suit is limited to a declaration
in behalf of the Pff that he is one of
the hingdars and he is not under
any disability to prosecute his claim.
There is no averment in the plaints
that this claim was put forward
and that it was denied by the Pffs.
The Pffs counsel is not therefore quite
correct in stating that these facts
constituted the cause of action -
Pff is entitled to have an enquiry
in this suit under the direction

(7)

(8

నంబర్
596
62

L.R. 124-94-7

17/1/95